

SENATE BILL 615

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CF HB 816

By: **Senator Kagan**

Introduced and read first time: January 25, 2025

Assigned to: Education, Energy, and the Environment

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: February 21, 2025

CHAPTER _____

1 AN ACT concerning

2 **Election Law – Petitions and Ballot Questions – Contents, Plain Language**
3 **Requirement, and Procedures**

4 FOR the purpose of altering the information that is required to be included on the signature
5 page of a petition seeking to place a question on the ballot and with a question on
6 the ballot; requiring that a certain summary included on the signature page of a
7 petition seeking to place a question on the ballot and a certain statement about a
8 question on the ballot be written in plain language; altering the deadline by which
9 ballot questions must be prepared and certified; requiring the State Board of
10 Elections to make certain information regarding a ballot question available for a
11 public comment period; requiring the State Board and each applicable local board of
12 elections to post certain information relating to certain ballot questions for at least
13 a certain period of time before the general election; and generally relating to petitions
14 and ballot questions.

15 BY repealing and reenacting, with amendments,
16 Article – Election Law
17 Section 6–103(b), 6–201(c) and (d), 7–103(b) and (c), ~~and 7–105~~ 7–105, and 9–207
18 Annotated Code of Maryland
19 (2022 Replacement Volume and 2024 Supplement)

20 BY repealing and reenacting, without amendments,
21 Article – Election Law
22 Section 6–201(a)
23 Annotated Code of Maryland

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



(2022 Replacement Volume and 2024 Supplement)

BY adding to

Article – Election Law

Section 7–103(e)

Annotated Code of Maryland

(2022 Replacement Volume and 2024 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
That the Laws of Maryland read as follows:

Article – Election Law

6–103.

(b) (1) The State Board shall:

(i) prepare guidelines and instructions relating to the petition
process; and

(ii) design and arrange to have sample forms available to the public
conforming to this title for each purpose for which a petition is authorized by law.

**(2) WHEN PREPARING GUIDELINES AND INSTRUCTIONS FOR
COMPLIANCE WITH THE PLAIN LANGUAGE REQUIREMENT OF § 6–201(C)(2)(II) OF
THIS TITLE, THE STATE BOARD SHALL:**

**(I) CONSIDER ANY GENERALLY ACCEPTED GUIDELINES
REGARDING COMPLIANCE WITH THE FEDERAL PLAIN WRITING ACT OF 2010; AND**

**(II) PROHIBIT THE USE OF THE PASSIVE VOICE, LEGAL JARGON,
AND DOUBLE NEGATIVES.**

**(3) The guidelines, instructions, and forms shall be provided to the public,
on request, without charge.**

6–201.

(a) A petition shall contain:

(1) an information page; and

(2) signature pages containing not less than the total number of signatures
required by law to be filed.

(c) Each signature page shall contain:

- 1 (1) a description of the subject and purpose of the petition, conforming to
2 the requirements of regulations;
- 3 (2) if the petition seeks to place a question on the ballot[, either]:
- 4 (i) **A BRIEF TITLE THAT DESCRIBES THE TOPIC, GOAL, OR**
5 **OUTCOME OF THE BALLOT QUESTION;**
- 6 **(II) 1.** a fair and accurate summary of the substantive provisions
7 of the proposal **WRITTEN IN PLAIN, CLEAR LANGUAGE THAT:**
- 8 **A. A VOTER CAN EASILY UNDERSTAND;**
- 9 **B. DOES NOT EXPLAIN THE LEGAL MECHANISM**
10 **PROVIDING FOR THE POLICY CHANGE; AND**
- 11 **C. DOES NOT CONTAIN LEGAL JARGON OR USE DOUBLE**
12 **NEGATIVES OR THE PASSIVE VOICE; or**
- 13 **[(ii)] 2.** the full text of the proposal; **AND**
- 14 **(III) A BRIEF STATEMENT EXPLAINING WHAT THE PRACTICAL**
15 **OUTCOME OF EACH VOTING CHOICE WOULD BE;**
- 16 (3) a statement, to which each signer subscribes, that:
- 17 (i) the signer supports the purpose of that petition process; and
- 18 (ii) based on the signer's information and belief, the signer is a
19 registered voter in the county specified on the page and is eligible to have his or her
20 signature counted;
- 21 (4) spaces for signatures and the required information relating to the
22 signers;
- 23 (5) a space for the name of the county in which each of the signers of that
24 page is a registered voter;
- 25 (6) a space for the required affidavit made and executed by the circulator;
26 and
- 27 (7) any other information required by regulation.

1 (d) If the petition seeks to place a question on the ballot and the sponsor elects to
2 print a summary of the proposal on each signature page as provided in subsection [(c)(2)(i)]
3 **(C)(2)(II)1** of this section:

4 (1) the circulator shall have the full text of the proposal present at the time
5 and place that each signature is affixed to the page; and

6 (2) the signature page shall state that the full text is available from the
7 circulator.

8 7-103.

9 (b) Each question shall appear on the ballot containing the following information:

10 (1) a question number or letter as determined under subsection (d) of this
11 section;

12 (2) a brief designation of the type or source of the question;

13 (3) a brief [descriptive] title in boldface type **THAT DESCRIBES THE**
14 **TOPIC, GOAL, OR OUTCOME OF THE BALLOT QUESTION;**

15 (4) a condensed statement [of the purpose of the question] **DESCRIBING**
16 **THE CHANGE IN POLICY TO BE ADOPTED IN PLAIN AND CLEAR LANGUAGE THAT:**

17 **(I) A VOTER CAN EASILY UNDERSTAND;**

18 **(II) DOES NOT EXPLAIN THE LEGAL MECHANISM PROVIDING**
19 **FOR THE POLICY CHANGE; AND**

20 **(III) DOES NOT CONTAIN LEGAL JARGON OR USE DOUBLE**
21 **NEGATIVES OR THE PASSIVE VOICE; [and]**

22 (5) the voting choices that the voter has; **AND**

23 **(6) A BRIEF STATEMENT EXPLAINING WHAT THE PRACTICAL**
24 **OUTCOME OF EACH VOTING CHOICE WOULD BE.**

25 (c) (1) [The] **ON OR BEFORE JULY 1 IMMEDIATELY PRECEDING A**
26 **GENERAL ELECTION, THE** Secretary of State shall prepare and certify to the State Board[,
27 not later than the 95th day before the general election,] the information required under
28 subsection (b) of this section, for all statewide ballot questions and all questions relating to
29 an enactment of the General Assembly which is petitioned to referendum.

1 (2) [The] **ON OR BEFORE JULY 1 IMMEDIATELY PRECEDING A**
2 **GENERAL ELECTION, THE** State Board shall prepare and certify to the appropriate local
3 board[, not later than the 105th day before the general election,] the information required
4 under subsection (b) of this section for all questions that have been referred to the voters of
5 one county or part of one county pursuant to an enactment of the General Assembly.

6 (3) (i) [The] **ON OR BEFORE JULY 1 IMMEDIATELY PRECEDING A**
7 **GENERAL ELECTION, THE** county attorney of the appropriate county shall prepare and
8 certify to the State Board[, not later than the 95th day before the general election,] the
9 information required under subsection (b) of this section for each question to be voted on in
10 a single county or part of a county, except a question covered by paragraph (1) or paragraph
11 (2) of this subsection.

12 (ii) If the information required under subsection (b) of this section
13 has not been timely certified under subparagraph (i) of this paragraph, the clerk of the
14 circuit court for the jurisdiction shall prepare and certify that information to the State
15 Board not later than the first Friday in August.

16 (4) (i) [The] **ON OR BEFORE JULY 1 IMMEDIATELY PRECEDING A**
17 **GENERAL ELECTION, THE** municipal attorney of the appropriate municipal corporation
18 shall prepare and certify to the State Board[, not later than the 95th day before the general
19 election,] the information required under subsection (b) of this section for each question to
20 be voted on in the municipal corporation, except a question covered by paragraphs (1)
21 through (3) of this subsection.

22 (ii) If the information required under subsection (b) of this section
23 has not been timely certified under subparagraph (i) of this paragraph, the clerk of the
24 circuit court for the county in which the municipal corporation is located shall prepare and
25 certify that information to the State Board not later than the first Friday in August.

26 (5) **(I) THE STATE BOARD SHALL MAKE THE INFORMATION**
27 **SUBMITTED IN ACCORDANCE WITH THIS SUBSECTION AVAILABLE TO THE PUBLIC**
28 **FOR A 15-DAY COMMENT PERIOD.**

29 **(II) ON OR BEFORE THE FOURTH DAY IMMEDIATELY**
30 **FOLLOWING THE END OF THE COMMENT PERIOD REQUIRED UNDER SUBPARAGRAPH**
31 **(I) OF THIS PARAGRAPH, THE PERSON REQUIRED TO PREPARE A QUESTION UNDER**
32 **PARAGRAPH (1), (2), (3), OR (4) OF THIS SUBSECTION SHALL:**

33 **1. REVIEW THE COMMENTS RECEIVED DURING THE**
34 **COMMENT PERIOD AND MAKE ANY NECESSARY CHANGES TO THE QUESTION; AND**

35 **2. SUBMIT THE CERTIFIED PLAIN TEXT OF THE**
36 **QUESTION TO THE STATE BOARD FOR PUBLICATION ON ITS WEBSITE UNDER § 9-207**
37 **OF THIS ARTICLE.**

1 **(6)** The information required under subsection (b) of this section for a
2 question that is being placed on the ballot by petition may be prepared before the petition
3 is certified under § 6–208 of this article.

4 ~~**(E) THIS SECTION MAY NOT BE CONSTRUED TO PROHIBIT THE USE OF**~~
5 ~~**LEGISLATIVELY MANDATED BALLOT QUESTION LANGUAGE.**~~

6 7–105.

7 (a) A local board shall provide notice of each question to be submitted statewide
8 and each question to be submitted to the voters of the county, by:

9 (1) specimen ballot mailed at least 1 week before any early voting period
10 before the general election; or

11 (2) publication or dissemination by mass communication during the 3
12 weeks immediately preceding the general election at which a question will appear on the
13 ballot.

14 (b) (1) For any question submitted under Article XIV or Article XVI of the
15 Maryland Constitution, the notice required by subsection (a) of this section shall contain
16 the information specified in § 7–103(b) of this title and a brief statement, prepared in clear
17 and concise language, devoid of technical and legal terms to the extent practicable,
18 summarizing the question.

19 (2) The statement required under paragraph (1) of this subsection shall be:

20 (i) prepared by the Department of Legislative Services;

21 (ii) approved by the Attorney General; and

22 (iii) submitted to the State Board by the first Monday in August.

23 (3) The statement required under paragraph (1) of this subsection is
24 sufficient if it is:

25 (i) contained in an enactment by the General Assembly, and the
26 enactment clearly specifies that the statement is to be used on the ballot; or

27 (ii) consistent with some other process mandated by the Maryland
28 Constitution.

29 (c) The State Board shall adopt regulations governing notice of questions to
30 appear on the ballot, including the use and content of specimen ballots and the publication
31 or dissemination of notice by mass communication.

1 (d) (1) The complete text of a question shall be posted or available for public
2 inspection in the office of the State Board and each applicable local board for 65 days prior
3 to the general election.

4 (2) Copies of the complete text of all statewide questions shall be furnished
5 by the State Board to the local boards in quantities as determined by the State Board,
6 including quantities sufficient to provide one copy of each for posting in each polling place
7 and in each local board office.

8 (3) An individual may receive without charge a copy of the complete text of
9 all constitutional amendments and questions from a local board, either in person, by mail,
10 or electronically.

11 (E) THE STATE BOARD AND EACH APPLICABLE LOCAL BOARD SHALL POST
12 IN A MANNER WIDELY ACCESSIBLE TO THE PUBLIC FOR AT LEAST ~~65~~ 90 DAYS
13 BEFORE THE GENERAL ELECTION:

14 (1) THE COMPLETE TEXT OF:

15 (I) FOR A QUESTION RELATING TO THE CREATION OR
16 ADOPTION OF A NEW CONSTITUTION, THE PROPOSED CONSTITUTION;

17 (II) FOR AN AMENDMENT UNDER ARTICLE XIV OF THE
18 MARYLAND CONSTITUTION, THE PROPOSED AMENDMENT TO THE MARYLAND
19 CONSTITUTION;

20 (III) FOR AN ENACTMENT OF THE GENERAL ASSEMBLY
21 REFERRED IN ACCORDANCE WITH ARTICLE XVI OF THE MARYLAND
22 CONSTITUTION, THE ENACTMENT;

23 (IV) FOR A PROPOSED COUNTY CHARTER OR AMENDMENT TO A
24 COUNTY CHARTER UNDER ARTICLE XI-A OF THE MARYLAND CONSTITUTION:

25 1. THE PROPOSED CHARTER; OR

26 2. THE PROPOSED AMENDMENT TO A COUNTY CHARTER;

27 (V) FOR AN ENACTMENT OF THE GENERAL ASSEMBLY
28 REFERRING A QUESTION TO THE VOTERS, THE ENACTMENT; AND

29 (VI) FOR A CHARTER COUNTY ENACTMENT IN ACCORDANCE
30 WITH § 9-205 OF THE LOCAL GOVERNMENT ARTICLE OR A CODE COUNTY
31 ENACTMENT IN ACCORDANCE WITH §§ 9-310 THROUGH 9-313 OF THE LOCAL
32 GOVERNMENT ARTICLE, THE PROPOSED ENACTMENT; AND

1 **(2) FOR EACH QUESTION POSTED UNDER ITEM (1)(II), (III), (IV), (V),**
2 **OR (VI) OF THIS SUBSECTION, A LINK TO THE GENERAL ASSEMBLY OR COUNTY**
3 **WEBPAGE FOR THE APPLICABLE LEGISLATION.**

4 9-207.

5 (a) The State Board shall certify and publicly display the content and
6 arrangement of each ballot:

7 (1) for a primary election, at least 64 days before the election;

8 (2) for a general election, at least 64 days before the election;

9 (3) for a special primary election, at least 55 days before the election; and

10 (4) for a special general election, not later than a date specified in the
11 Governor's proclamation.

12 (b) The Supreme Court of Maryland, on petition of the State Board, may establish
13 a later date in extraordinary circumstances.

14 (c) The State Board shall publicly display the content and arrangement of each
15 certified ballot on its website.

16 (d) Except pursuant to a court order under § 9-209 of this subtitle, or as provided
17 in § 9-208 of this subtitle, the content and arrangement of the ballot may not be modified
18 after the second day of the public display.

19 (e) Unless a delay is required by court order, the State Board may begin to print
20 the ballots after certification and 3 days of public display and correct any noted errors.

21 **(F) THE CERTIFICATION OF A BALLOT UNDER THIS SECTION THAT**
22 **INCLUDES A QUESTION MAY NOT BE CONSTRUED TO BE A CERTIFICATION OF THE**
23 **BALLOT LANGUAGE REQUIRED TO BE INCLUDED ON THE BALLOT UNDER § 7-103 OF**
24 **THIS ARTICLE, INCLUDING THE PLAIN LANGUAGE CONDENSED STATEMENT**
25 **REQUIRED UNDER § 7-103(B)(4) OF THIS ARTICLE.**

26 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
27 October 1, 2025.